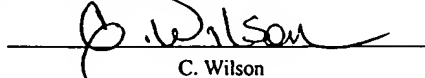


#3

PATENT  
Docket No. 363512004303

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on June 21, 2001.

  
C. Wilson

11036 U.S. PTO  
10/006261  
12/04/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Albion J. FITZGERALD et al.

Serial No.: 09/870,048

Filing Date: May 29, 2001

For: DISTRIBUTED COMPUTER  
NETWORK INCLUDING  
HIERARCHICAL RESOURCE  
INFORMATION STRUCTURE AND  
RELATED METHOD OF  
DISTRIBUTING RESOURCES

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 08/979,083, filed November 26, 1997, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record

in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Petition requesting consideration of the Information Disclosure Statement, an authorization to charge our deposit account, and a Certification under 37 C.F.R. § 1.97(e) are provided herein.


Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 363512004303. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: June 21, 2001

Respectfully submitted,

By:   
Stephen C. Durant  
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Form PTO-1449

# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 363512004303

Application Number 09/870,048

Applicant

Albion J. Fitzgerald, et al.

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Group Art Unit To Be Assigned

1036 U.S. PTO  
10/006261  
12/04/01

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	12/10/85	4,558,413	Schmidt, et al.			
	2.	10/25/88	4,780,821	Crossley			
	3.	08/21/90	4,951,192	Chase Jr., et al.			
	4.	10/13/92	5,155,847	Kirouac, et al.			
	5.	09/21/93	5,247,683	Holmes, et al.			
	6.	11/16/93	5,263,164	Kannady, et al.			
	7.	01/25/94	5,282,273	Ushio, et al.			
	8.	06/28/94	5,325,527	Cwikowski, et al.			
	9.	07/11/95	5,432,941	Crick, et al.			
	10.	12/05/95	5,473,772	Halliwell, et al.			
	11.	12/17/96	5,586,322	Beck, et al.			
	12.	04/08/97	5,619,716	Nonaka, et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	13.	02/21/91	WO 91/02313	PCT			
	14.	04/03/93	WO 93/04426	PCT			

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	15.	P.Barthram, et al. "Distribution Management-ICL's OPEN approach," <u>ICL Technical Journal</u> , Vol. 7, No. 4, Oxford, GB, November 1991, pp. 702-716
	16.	J.M. Bennett, et al., "An Analysis of Replication Strategies for X.500-like Distributed Directories," <u>IEEE</u> , pp. 137-142
	17.	W. Courington, "The Network Software Environment," <u>Sun Microsystems</u> , Inc. 1989
	18.	Tony Gale, "The Evolution within ICL of an Architecture for Systems Management," <u>ICL Technical Journal</u> , Vol.7, No.4, Oxford, GB, November 1991, pp. 673-685

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DATE CONSIDERED:

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Form PTO-1449

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## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	19.	L. Brooks Hickerson, et al., "Managing Networked Workstations," <u>IEEE Spectrum</u> , April 1992, pp. 55-56, 58
	20.	J. Metzner, "A parity Structure for Large Remotely Located Replicated Data Files," <u>IEEE Transactions on Computers</u> , Vol. C32, No. 5, August 1983, pp. 727-730
	21.	"Reference Monitor-Location of Resource Access," <u>IMB Technical Disclosure Bulletin</u> , Vol.32, No. 10A, Armonk, US, March 1990, pp. 335
	22.	S. Shafer, et al., "The SUP Software Upgrade Protocol," Carnegie Mellon University School of Computer Science.
	23.	Carl W. Symborski, "Updating Software and Configuration Data in A Distributed Communications Network," <u>IEEE Spectrum</u> , 1988, pp. 331-338
	24.	USENIX Association, Summer Conference Proceedings, June 9-13, 1986, pp. 159-171
	25.	USENIX Association, Proceedings of the Sixth Systems Administration Conference (LISA VI), October 19-23, 1992, pp. 175-196
	26.	C. W. Symborski, "Updating Software and Configuration Data in A Distributed Communications Network", <u>IEEE Spectrum</u> , 1988, pp. 331-337
	27.	Computer Systems Research Group, <u>UNIX User's Reference Manual (URM)</u> , 4.3 Berkeley Software Distribution Virtual VAX-11 Version, University of California, Berkeley, (4/86)
	28.	Tivoli Systems Inc., <u>Tivoli/Courier Management Application Guide</u> , Version 1.6 for SunOS, Austin, Texas, (4/14/93)
	29.	Tivoli Systems Inc., <u>TME Reference Guide</u> , Version 1.6 for Sun OS, Austin, Texas, (4/14/93)
	30.	Barbara, D., et al., "A Class of Randomized Strategies for Low-Cost Comparison of File Copies," <u>IEEE Transactions on Parallel and distributed Systems</u> , Princeton University, Vol. 2, No. 2, pp. 160-170 (1991)
	31.	Bauer, M.A., et al., <u>Replication Strategies for X.500: Experiments with a Prototype X.500 Directory</u> , Technical Report 279, Supported by Centre for Advanced Studies of the IBM Toronto Laboratory, ISBN No. 0-7714-1243-6 (10/1990)
	32.	IBM, <u>IBM Distributed Change Management Facility/MVS: General Information Manual</u> , Bank of America Corporation Version 1, Release 1 (08/1990)
	33.	Katz, R.H., et al., "Version Modeling Concepts for Computer-Aided Design Databases," <u>SIGMOD Record</u> , ACM SIGMOD '86, International Conference on Management of Data,

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(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
		Vol. 15, No. 2, pp. 379-386 (6/1986)
	34.	Knuth, D.E., <u>The Art of Computer Programming</u> , Addison-Wesley Publishing, (1968)
	35.	LoVerso, Susan, et al., "The OSF/1 Unix Filesystem (UFS)," USENIX, Dallas Texas, pp. 207-218 (Winter 1991)
	36.	Prusker, F.J., et al., "The Siphon: Managing Distant Replicated Repositories," Proceedings of the Workshop on the Management of Replicated Data, IEEE Computer Soc. Press, pp. 44-47 (11/1990)
	37.	TeleView 2.1 User Guide, Telemetrix TeleView Session Layer Release 2.1 Terminal User's Guide, Copyright Telemetrix, Inc. 1986.
	38.	TeleView 2.1 Installation Guide, Telemetrix TeleView Session Layer Release 2.1 Terminal User's Guide, Copyright Telemetrix, Inc. 1986.
	39.	TeleView 2.1 Configuration Reference, Telemetrix TeleView Session Layer Release 2.1 Terminal User's Guide, Copyright Telemetrix, Inc. 1986.
	40.	TeleView Exit Guide, Telemetrix TeleView Session Layer Release 2.1 Terminal User's Guide, Copyright Telemetrix, Inc. 1986.
	41.	Teleview Release 2.1 Documentation Set Figures and Illustrations, Telemetrix TeleView Session Layer Release 2.1 Terminal User's Guide, Copyright Telemetrix, Inc. 1986.
	42.	Expert Witness Report of Le Roy Tymes, February 12, 1999.
	43.	Expert Witness Report of Marshall Kirk McKusick, Ph.D., February 12, 1999.
	44.	Deposition Transcript of Le Roy Tymes, April 21, 1999.

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